THE BOMBAY MUNICIPAL DEBENTURES ACT, 1876.

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THE SCHEDULE.

ACT No. XV OF 1876.[1]

[THE BOMBAY MUNICIPAL DEBENTURES ACT, 1876.]

[*14th September 1876.*]

Repealed in part, by Act 1 of 1879.

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation.

Bom. II of 1865.

WHEREAS, under the [2]Bombay Municipal Act of 1865, the Justices of the Peace for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act; Preamble.

and whereas, by section 255 of the same Act, it was enacted that any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Act annexed or to the like effect;

and whereas, in exercise of the said power, diverse mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple endorsement and not by deed duly stamped;

and whereas it is expedient to provide that such transfers may hereafter be made by endorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force;

and whereas it is also expedient to provide for consolidating such mortgages in manner hereinafter mentioned and for renewing and sub-dividing mortgages so consolidated;

It is hereby enacted as follows:—

1. This Act may be called the Bombay Municipal Debentures Act, 1876. Short title.

Transfers of debentures to be by endorsement.

2. Every mortgage of rates and taxes, authorised to be made under the said [2]Bombay Municipal Act of 1865, or any subsequent Act, shall be transferable by endorsement on the instrument of mortgage [3]* * * *

Bom. II of 1865.

Validation of former transfers by endorsement.

3. Every transfer of any such mortgage heretofore made by endorsement shall be, and be deemed to have been, as valid as if this Act had been in force at the date of such transfer; and no stamp-duty shall be, or be deemed to have been chargeable in respect of any such transfer; and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provisions of the said section 255 or of the law relating to stamp-duties for the time being in force.

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1876, Pt. V, p. 552, and for Proceedings in Council, *see ibid*, Supplement, pp. 714, 753 and 1003.

[2] *See* now the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

[3] The words "and no such endorsement shall be chargeable with any stamp-duty" were repealed by the Indian Stamp Act, 1879 (I of 1879).

Power to consolidate debentures.

4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation may from time to time prescribe) grant to such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instrument so surrendered.

Every instrument so granted may be in the form in the Schedule hereto annexed or to the like effect.

Power to renew and sub-divide.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said [1]Bombay Municipal Act of 1865 or under this Act, and, on receipt of such fees as the said Corporation may from time to time prescribe in this behalf, renew or sub-divide the same. Bom. II of 1865.

THE SCHEDULE ABOVE REFERRED TO.

WHEREAS *A B* of has surrendered to us, the Municipal Corporation of the City of Bombay. mortgages issued under the Bombay Municipal Act of 1865, bearing respectively the following numbers and dates (namely) [*set them out*], and securing sums amounting in the whole to Rs. Bom. II of 1865.

In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs. bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes: TO HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs. with interest at the rate of per cent. per annum, shall be fully paid and satisfied.

Given under our corporate seal this day of 187 .

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[1] *See* now the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).